

TITLE 17. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS REGARDING CERTIFICATION PROCEDURES AND TEST PROCEDURES FOR GASOLINE VAPOR RECOVERY SYSTEMS

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider adoption, amendment, and repeal of regulations for certifying and testing of gasoline vapor recovery systems installed at gasoline dispensing facilities (service stations and similar facilities).

DATE: June 24, 1999

TIME: 9:30 a.m.

PLACE: Air Resources Board
Hearing Room, Lower Level
2020 L Street
Sacramento, California

This item will be considered at a two-day meeting of the Board, which will commence at 9:30 a.m., June 24, 1999, and may continue at 8:30 a.m., June 25, 1999. This item may not be considered until June 25, 1999. Please consult the agenda for the meeting, which will be available at least 10 days before June 24, 1999, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact Mr. George Lew at (916) 263-1630 or TDD (916) 324-9531 or (800) 700-8326 for TDD calls from outside the Sacramento area 14 days before June 14, 1999.

INFORMATIVE DIGEST OF PROPOSED ACTION

Sections Affected: Proposed amendments and adoptions to title 17, California Code of Regulations (CCR), sections 94011, 94150, 94153, 94154, and 94155 which incorporate by reference certification procedures and test procedures identified below.

Background

Health and Safety Code (H&SC) section 41954 requires the Board to adopt procedures for certifying systems designed to control gasoline vapor emissions during gasoline marketing operations, including storage and transfer operations. Section 39607(d) of the Health and Safety Code requires ARB to adopt test methods to determine compliance with ARB and district non-vehicular emissions standards. The adopted test procedures related to gasoline vapor recovery are referenced in sections 94000-94015 and 94101-94162, title 17, CCR.

Vapor recovery system configurations for gasoline dispensing facilities are certified by the state as achieving a certain level of emissions control performance. During certification tests, specifications are established for various aspects of system operation related to emissions control that reflect the tested system's operation during emissions testing. Performance checks are conducted by district staff to ensure that installed systems meet these emissions-related specifications to ensure that systems operate in a manner consistent with the certified level of emissions control performance. Certification and test procedures adopted by the board govern both certification testing and subsequent performance checks by districts.

ARB staff continually evaluates vapor recovery certification and test procedures, reviews and responds to recommendations from industry, districts and federal agencies regarding these procedures, and periodically proposes improvements and corrections as necessary.

ARB staff proposes to revise and improve four certification and test procedures and to amend title 17, CCR, sections 94011, 94150, 94153, 94154, and 94155, which incorporate the procedures by reference. The procedures to be revised are:

Method CP-201	Certification Procedure for Vapor Recovery Systems of Dispensing Facilities
Method TP-201.4	Determination of Dynamic Pressure Performance of Vapor Recovery Systems of Dispensing Facilities
Method TP-201.5	Determination (by Volume Meter) of Air to Liquid Volume Ratio of Vapor Recovery Systems of Dispensing Facilities
Method TP-201.6	Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities

Plain English Summary of Proposed Revisions to Existing Test Methods

All of the proposed revisions are to existing ARB vapor recovery certification and test methods. The proposed revisions constitute a response to reports of problems and shortcomings in existing certification and test methods reported by various parties including air pollution control districts, equipment manufacturers, and ARB testing staff. The revisions correct inadvertent errors, clarify wording which has proved subject to misinterpretation, add quality assurance checks, and improve safety in testing.

We have briefly summarized below the existing methods for which we are proposing revisions.

Method CP-201 Certification Procedure for Vapor Recovery Systems of Dispensing Facilities

ARB Method CP-201 prescribes requirements for certification of the performance of gasoline dispensing facility (service station) vapor recovery systems including procedures for application for certification, performance standards and specifications, test procedure requirements and testing requirements. Staff propose to extend the required warranty period on equipment certified in the future to 3 years from 1 year. The application for certification has been revised to require additional system information from the manufacturer, such as the complete list of hanging hardware to be used with the system, rather than just the nozzle. The proposal also clarifies that allowable pressure drop information should be provided through the system as a whole and for each system component. A new section proposed to be added to the application will require documentation that the applicant has notified other manufacturers that the applicant is seeking certification of a system which uses their components.

Method TP-201.4 Determination of Dynamic Pressure Performance of Vapor Recovery Systems of Dispensing Facilities

ARB Method TP-201.4 prescribes procedures for determining the resistance of dispensing equipment to the flow of vapor simulated by a nitrogen stream. One change would allow addition of liquid gasoline to underground to be omitted when retesting facilities that have no change in underground piping from the previous test. Another change removes the backpressure limits from the test method and instead references the back-pressure limits in certification Executive Orders for system compliance. Numerous other technical changes are proposed to clarify the test procedure, but the principle of the test measurement has not changed.

Method TP-201.5 Determination (by Volume Meter) of Air to Liquid Volume Ratio of Vapor Recovery Systems of Dispensing Facilities

ARB Method TP-201.5 prescribes steps for determining the ratio of the volume of air/gasoline vapor recovered to liquid dispensed for assist system nozzles. Revisions clarify description of required procedures, provide guidance supporting correction of problems, reduce the number of runs required if the dispensing point clearly passes or fails, and provide for a modified test equipment design to enhance safety. There is no major change in the principle of measurement.

Method TP-201.6 Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities

ARB Method TP-201.6 prescribes techniques for quantifying liquid removal from dispenser hoses. Several minor revisions are proposed to eliminate provisions for dynamic pressure and

gasoline dispensing pressure measurements unrelated to liquid removal determination and clarify the intent that liquid removal be determined at flow dispensing rates above 5 g.p.m. No major revisions are proposed.

Need for Proposal

This proposed action is part of our continuing effort to update and improve the ARB source test methods. Staff has revised existing vapor recovery system certification and test procedures to reflect advances in emission measurement technology, correct inadvertent errors, and better support effective testing of vapor recovery systems' performance after installation. The proposed changes address comments from districts and industry representatives requesting improvements and corrections as conveyed in various workshops and written communications.

The proposed revised procedures will assist district staff in evaluating test data to demonstrate compliance with permit conditions, regulations, and other statutes.

Comparable Federal Regulation

There are no comparable federal regulations that certify gasoline vapor recovery systems for service stations. ARB procedures applicable to such vapor recovery systems have an impact nationwide. There are no comparable federal test methods and ARB certifications and test procedures are recognized and used in other states.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The ARB staff has prepared a Staff Report on this proposal which includes the initial statement of reasons for the proposed action and a summary of the environmental impacts of the proposed regulatory action. Copies of the Staff Report, the proposed amendments to the California Code of Regulations and the full text of the proposed amended test methods may be obtained from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, telephone (916) 322-2990. The Board's staff has compiled a record which includes all information upon which the proposal is based. This material is available upon request to the contact person identified below.

The ARB has determined that it is not feasible to draft the incorporated test methods in plain English due to the technical nature of the test methods. The Informative Digest of this notice and Section VI of the Staff Report: Initial Statement of Reasons for the test methods present the plain English summaries of the existing test methods with revisions. The Staff Report: Initial Statement of Reasons is available from the agency contact person named below.

Further inquiries regarding this matter should be directed to Mr. George Lew of the Board's Monitoring and Laboratory Division, P.O. Box 2815, Sacramento, CA 95812, telephone (916) 263-1630.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

Costs to Public Agencies and to Businesses and Persons Affected

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed regulations are presented below:

The Executive Officer has determined that the proposed regulations will result in a cost to the Air Resources Board of no more than \$1000 to update vapor recovery test equipment. The Executive Officer has determined that the proposed regulations will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any other state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with Section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary costs or savings to local agencies.

The Executive Officer has also determined that adoption of the proposed regulations will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within California, the creation of new businesses or the elimination of existing businesses within California, or the expansion of businesses currently doing business within California.

The Executive Officer has also determined that the potential cost impact on private persons or businesses directly affected by the proposed regulations will be insignificant, as defined in Government Code section 11346.5(a)(9).

The Board's Executive Officer has also determined pursuant to Government Code section 11346.5(a)(3)(B), that the regulations will not affect small businesses because the regulations do not directly impose any requirements on small businesses.

In addition, before taking final action on the proposed action, the Board must determine that no alternative considered by the agency would be more effective in carrying out the purpose of the proposed regulations or would be as effective and less burdensome to affected private persons than adoption of the proposed regulations.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing. To be considered by the Board, written submissions must be addressed to and received by the Clerk of the Board, Air Resources Board, P.O. Box 2815, Sacramento, CA 95812, no later than 12:00 noon, June 23, 1999, or received by the Clerk of the Board at the hearing.

The Board requests, but does not require, that 20 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing. The Board encourages members of the public to bring to the attention of staff, in advance of the hearing, any suggestions for modification of the proposed regulations.

Any party who previously submitted comments on the proposed methods at the March 4, 1999 informal workshop is advised that the comments must be resubmitted to be assured formal consideration by the Board during the comment period.

STATUTORY AUTHORITY AND HEARING PROCEDURES

These regulations are proposed under the authority granted in Health and Safety Code sections 39600, 39601, 39607, and 41954. The regulations are proposed to implement, interpret, or make specific Health and Safety Code sections 39515, 39516, 39605, 40001, 41954, 41960, and 41960.2.

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantive or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In such event, the full text of the regulations, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted. The public may request a copy of the modified regulatory text from the Board's Public Information Office, 2020 L Street, Sacramento, California 95814, telephone (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

Michael P. Kenny
Executive Officer

Date: